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Letter dated 1 June 2018 from the Secretary-General addressed to the President of the Security Council

Pursuant to the request of the Security Council in paragraph 61 of its resolution 2409 (2018), I have the honour to submit a 30-day update, covering the period 26 April to 25 May 2018, on political and technical progress towards the holding of elections on 23 December 2018 and obstacles to the implementation of the 31 December 2016 political agreement (see annex).

I would be grateful if you could bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) António **Guterres**

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Annex

Update of the Secretary-General on progress in the electoral process and implementation of the 31 December 2016 political agreement, 25 May 2018

1. The present update, which covers developments in the Democratic Republic of the Congo from 26 April to 25 May 2018, is submitted pursuant to resolution 2409 (2018), in which the Security Council requested the Secretary-General to update it in writing every 30 days on political and technical progress towards the holding of elections on 23 December 2018 and on obstacles to the implementation of the 31 December 2016 political agreement.

I. Key political developments related to the electoral process and implementation of the political agreement

2. The Government of the Democratic Republic of the Congo, the Parliament, the National Council for Monitoring the Agreement and the Electoral Process, and the Independent National Electoral Commission continued efforts to reach key electoral benchmarks set out in the electoral calendar. However, progress in respect of technical and legislative preparations for elections remains marred by distrust among the main political actors.

3. The National Assembly and the Senate adopted, on 30 April and 6 May, respectively, a bill on the distribution of seats for national and provincial legislative elections and for local elections. On 8 May, President Joseph Kabila promulgated the bill in line with the electoral calendar. After a delay of several months, the final list of registered political parties and platforms eligible to stand in the presidential election and in national and provincial legislative elections was published in the official gazette on 11 May. The list included 599 political parties and 77 political groups. Although the electoral law contains provisions against the duplication of political parties, four distinct parties carrying the name of the Union pour la démocratie et le progrès social (namely, the Union pour la démocratie et le progrès social-Kibassa, the Union pour la démocratie et le progrès social-Mubake/Rénové, the Union pour la démocratie et le progrès social-Tharcisse Loseke and the Union pour la démocratie et le progrès social-Tshisekedi), representing competing wings of the Union pour la démocratie et le progrès social, were listed nonetheless. Notable absences from the list include the Ensemble pour le changement platform, which supports the presidential candidacy of Moïse Katumbi. The parties that comprise that platform, however, were included in the list. On 14 May, President Kabila signed an order appointing three judges to fill vacancies on the Constitutional Court. In accordance with the rules of procedure of the Court, the new appointees, Norbert Nkulu Kilombo, Jean Ubulu Pungu and François Bokona, were nominated by the Presidency, the High Council of the Judiciary and the Parliament, respectively.

4. Important progress towards establishing a legal framework for elections notwithstanding, Parliament has yet to examine the draft amendment to the 2015 law on public demonstrations tabled by the Government during the ongoing ordinary session. The issue of the replacement of the rapporteur of the Independent National Electoral Commission, who had been nominated by the Union pour la démocratie et le progrès social, has yet to be resolved despite repeated requests by the Union pour la démocratie et le progrès social. On 5 May 2018, during discussions with the Speaker of the National Assembly, Aubin Minaku, the President of the Independent National Electoral Commission, Corneille Nangaa, stated that the voter registration

of members of the diaspora, scheduled to take place between 1 July and 28 September, would be "technically possible, but difficult".

5. The Government's planned use of voting machines remains a divisive issue. The main opposition parties continued to voice opposition to the use of voting machines, to cast doubts on the integrity of the voter registry, and to question the likelihood of holding timely elections. Following the expiration of the 30 April 2018 deadline for the full implementation of the confidence-building measures set out in the 31 December 2016 political agreement, the Comité laïc de coordination issued a communiqué on 1 May in which it noted that the Government had not addressed the emblematic cases mentioned in the agreement. In addition, the Comité laïc de coordination warned that it would renew its public demonstrations unless conditions conducive to the holding of elections on 23 December 2018 were established.

6. There were persistent media reports suggesting the possible candidature of President Kabila in the upcoming elections. Those reports were fuelled by, inter alia, recent statements by the Permanent Secretary of the Parti du peuple pour la reconstruction et la démocratie, Emmanuel Ramazani Shadary, and the Acting Governor of Maniema province, Jerôme Bikenge, to that effect.

7. On 9 May, the spokesperson of the Congolese National Police, Colonel Pierrot Mwanamputu, during a presentation to the press, accused an alleged armed element of the Alliance pour la libération du peuple congolais of conspiring with Moïse Katumbi to seize power by force. The same day, Mr. Katumbi's spokesperson, Olivier Kamitatu, issued a communiqué rejecting that accusation.

II. Key electoral developments related to the implementation of the political agreement

Electoral developments

8. On 9 May, the International Organization of la Francophonie (OIF), at the invitation of the Independent National Electoral Commission, commenced an audit of the voter registry, which was scheduled to conclude by 25 May. Twenty observers were associated with the audit process — five each from the presidential majority and the opposition, six from civil society, and one each from the African Union, the Southern African Development Community, the European Union and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). The Independent National Electoral Commission was identified as a technical member of the audit team. At the launch of the audit operation, the head of the OIF delegation, General Siaka Sangaré, applauded the audit team's "inclusivity" and stressed that the audit would strengthen confidence in the registry. However, some opposition members continued to contest the timing of the audit of the voter registry, arguing that it had been launched after the promulgation of the law on the distribution of seats.

9. As at 15 May, 258 of the 599 officially registered political parties had signed the Electoral Code of Conduct. However, none of the major opposition parties have signed the document. The Independent National Electoral Commission is finalizing preparations for the opening of centres for the registration and processing of candidates in the provincial elections, which is set to begin on 24 June. Arrangements for the installation of electoral litigation tribunals at the provincial level are ongoing.

10. No further disbursement of funds to the Independent National Electoral Commission was announced during the reporting period. The Government has not signed onto a multi-donor project to support the electoral cycle, PACEC II, which could provide more than $67 million in funding to support the electoral process,

primarily to cover secondary logistics and activities to raise awareness among the electorate. Nevertheless, limited technical support could be provided under PACEC I, of which approximately $3 million in funding remains. Several external partners have expressed their continued willingness to provide support to the electoral process, including financial assistance.

Restrictions on political space and violence in the electoral context related to the implementation of the political agreement

11. Restrictions on the activities of civil society entities and journalists continued. On 27 April, in Kisangani (Tshopo province), three activists from the Lutte pour le changement, who had been arrested on 29 and 30 December 2017 while mobilizing people to demonstrate on 31 December 2017, were sentenced to six months in prison for spreading false information. On 23 April, three other civil society members were arrested by the National Intelligence Agency, and one of them was sentenced to six months in prison for inciting teachers and students from a high school in Kisangani to take part in a demonstration. In Lubumbashi (Haut Katanga province), between 3 and 9 May, two activists from the Lutte pour le changement were subjected to death threats and intimidation for their civil activities, which was followed by the forced disappearance of one of them.

12. The authorities continued to enforce the general ban on political demonstrations. On 1 May, in Goma (North Kivu province), National Police agents detained 31 persons, including 4 women, during a demonstration organized by the Lutte pour le changement to denounce the growing insecurity in North Kivu province, notably repeated massacres in Beni (North Kivu province) and the increasing number of abductions in Goma. On 2 May, in Bandundu (Kwilu province), the mayor of the city banned a demonstration organized by a local citizens' movement to demand the resignation of the Governor of Kwilu province, owing to his mismanagement, repeated political scandals and xenophobic behaviour. On 3 May, in Lubumbashi, the residence of the president of the political opposition platform, Union des nationalistes fédéralistes du Congo, Gabriel Kyungu, was surrounded by National Police agents who were armed with lethal and non-lethal weapons. On 9 May, in Kisangani, agents of the National Intelligence Agency reportedly arrested five members of the Ensemble pour le changement at the site of a political rally in support of presidential candidate Moïse Katumbi. They were subsequently released on 10 and 11 May.

13. However, other demonstrations occurred without incident. On 27 April, a women's march in Beni went ahead unopposed. Peaceful demonstrations by the Lutte pour le changement on 1 May in Beni and Kasindi (North Kivu province) and on 9 May in Lubumbashi also took place without incident.

Confidence-building measures

14. On 8 May, the National Council for Monitoring the Agreement and the Electoral Process announced the creation of an ad hoc commission tasked with advancing the implementation of confidence-building measures and with easing political tensions through the release of political prisoners. On the same day, during an extraordinary session of the Council of Ministers chaired by the Prime Minister, Bruno Tshibala Nzenzhe, the Minister of Justice, Alexis Thambwe Mwamba, announced that 4,019 persons, including 1,438 detainees, had been released on parole. The measure, however, excluded the emblematic cases mentioned in the political agreement.

III. Good offices efforts for the implementation of the political agreement

15. On 14 May, my Special Representative met with the President of Angola, Joao Manuel Gonçalves Lourenço, and the Minister of Foreign Affairs, Manuel Domingos Augusto, in Luanda. They exchanged views on a coherent approach coordinated between the United Nations and regional actors in support of credible and inclusive elections in the Democratic Republic of the Congo.

16. During the reporting period, my Special Representative also met with the following individuals and delegations to discuss the electoral process: the Vice Prime Minister and Minister of Foreign Affairs, Leonard She Okitundu; the Minister of Planning, Modeste Bahati Lukwebo; the Minister of Decentralization and Institutional Reforms, Azarias Ruberwa; a delegation of the Committee of Families of Political Prisoners, led by Patrizia Diomi; the Coordinator of Ensemble pour le changement/Grand Katanga, Gabriel Kyungu wa Kumwanza; and a delegation of a centrist political platform, Le Centre, led by its President, Germain Kambinga. She also met with General Sangaaré and visited Maniema, Bukavu and Uvira provinces from 3 to 7 May for meetings with the Acting Governor of Maniema, the Governor of Bukavu and other provincial and local actors to discuss issues related to the implementation of the MONUSCO mandate.

IV. Observations

17. I welcome the continued progress made towards the attainment of key electoral milestones, specifically the timely promulgation of the law on seat distribution and the publication of the lists of political parties and platforms, which are prerequisites for the candidate registration process scheduled to begin on 24 June. Distrust persists among political actors over several key issues, however, including the potential use of voting machines and the implementation of the confidence-building measures set out in the political agreement. I urge the Government to take the measures necessary to engender confidence in the electoral process and to demonstrate leadership in making progress towards peaceful and democratic elections, all while adhering to the provisions of the political agreement and the country's Constitution. Allowing the Union pour la démocratie et le progrès social to replace its representative on the Independent National Electoral Commission, as provided for in the agreement, is an important measure that would enhance the credibility of the Commission and contribute to a credible electoral process. The duplication of parties carrying the name of the Union pour la démocratie et le progrès social in the list published by the Government is also of concern and should be addressed urgently as a means of instilling confidence in the political process.

18. Progress in the implementation of the confidence-building measures and the opening of political space remains critical to building consensus and creating an environment conducive to credible, transparent and inclusive elections. Lifting the ban on public demonstrations would ensure that the people of the Democratic Republic of the Congo are able to freely express their political and civil rights, in accordance with the Constitution. I therefore encourage the Government to ensure a level playing field and to guarantee an inclusive electoral process for all.

19. Timely and adequate funding for the electoral process remains a key concern. The delayed and uneven disbursement of Government funds to the Independent National Electoral Commission could adversely affect the timelines provided for in the electoral calendar. Any such delays risk triggering significant political tensions. I therefore urge the Government to abide by its commitments to ensure the regular

disbursement of funds to the Commission. The United Nations stands ready to provide ongoing technical and logistical support to the electoral process and will ensure that such support is provided within the timelines of the electoral calendar. MONUSCO will continue to work with the Government in respect of its requirements for technical and logistical support.

20. Continued cooperation and coordination among all partners of the Democratic Republic of the Congo is essential to ensuring that international efforts are aligned to assist the people in the pursuit of their legitimate democratic aspirations. There is also a need to sustain the undivided support of the members of the Security Council and of international and regional partners to help to overcome political, technical and logistical challenges to a peaceful and transparent electoral process in the country at the end of 2018.